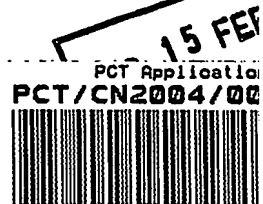


Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENT (Chapter II of the Patent Cooperation Treaty)



Applicant's or agent's file reference OP040067P		(PCT Article 36 and Rule 70)	
International application No. PCT/CN2004/001123		FOR FURTHER ACTION	See Form PCT/IPEA/416
International Patent Classification (IPC) or national classification and IPC See supplemental box		International filing date (day/month/year) 29.Sep.2004(29.09.2004)	Priority date (day/month/year) 10.Oct.2003(10.10.2003)

Applicant

ZHONGQI PHARMACEUTICAL TECHNOLOGY(SHIJIAZHUANG)CO.,LTD; et al

- This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.
- This report is also accompanied by ANNEXES, comprising:
 - ☐ (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - ☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - ☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
 - ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
- This report contains indications relating to the following items:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Box No. I | Basis of the report |
| <input type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

Date of submission of the demand

24.Feb.2005(24.02.2005)

Date of completion of this report

16.Jan.2006(16.01.2006)

Name and mailing address of the IPEA/CN
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Form PCT/IPEA/409 (cover sheet) (April 2005)

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN2004/001123

Box No. I Basis of the report

1. With regard to the language, this report is based on:

- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☒ the international application as originally filed/furnished
- ☐ the description:
- pages _____ as originally filed/furnished
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____
- ☐ the claims:
- pages _____ as originally filed/furnished
- pages * _____ as amended (together with any statement) under Article 19
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____
- ☐ the drawings:
- pages _____ as originally filed/furnished
- pages * _____ received by this Authority on _____
- pages * _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (*specify*): _____
- ☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/CN2004/001123

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement:

Novelty (N)	Claims 1-3	YES
	Claims 4-5	NO
Inventive step (IS)	Claims 1-3	YES
	Claims 4-5	NO
Industrial applicability (IA)	Claims 1-5	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

Document 1 (D1): CN A 1375288, 23.10.2002
Document 2 (D2): CN A 1100097 15.03.1995

D1 (description page2-3, claim 4) discloses the liposome of butyl phthalide, the formations containing thereof ,eg:injection, tablets and capsules, therefore, the subject matter of claims 4-5 cannot considered as being novel and does not meet the requirements of Article 33(2) PCT.

D2 (claim 2, example 1-3)discloses the use of dl-butyl phthalide in the manufacture of medicaments for prevention or treatment cerebral infarct induced by focal cerebral ischemia, the prior art does not disclose nor teach that l-butylphthalide has better effect compared to dl-butyl phthalide ,thus the skilled in the art would not expect the better activity for the l-butylphthalide and the medicaments comprising it, therefore it seems that novelty and inventive step could be acknowledged for the subject matter of claims 1-3 in sense of Article 33(2) and (3) PCT.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/CN2004/001123

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: International Patent Classification (IPC) or national classification and IPC

A61K31/343 (2006.01) i,
C07D307/88 (2006.01) i,
A61P9/10 (2006.01) i